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Increase of Pay to process-servers.

* 1167 Q.—Mr. V. I. MUNISWAMI PILLAI: Will the hon. the Law Member be pleased to state with reference to questions Nos. 43 and 315 answered on 23rd and 27th August 1927 respectively regarding the increase of pay for process-servers—

(a) whether a reply has been received from the High Court;

(b) if not, whether the Government will be pleased to call the High Court for an early reply;

(c) whether it is a fact that a deputation of process-servers under the leadership of Mr. J. A. Saldanha, M.L.C., waited on the hon. the Law Member a month or two ago and while representing their grievances presented a copy of the resolutions passed in the Provincial Conference of the Civil Court Process-servers held at Madura on the 24th and 25th May 1928; and

(d) what the Government have done or propose to do in regard to the pay and the other grievances of the process-servers?

A.—(a) & (b) The High Court's reply has been received.

(c) The facts are as stated by the hon. Member.

(d) The attention of the hon. Member is invited to the answer given to question No. 220.

Mr. J. A. SALDANHA :—"May I know from the hon. the Law Member whether the High Court has recommended the increase?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I want notice."

Criminal Justice

Appointment of a Special Bench in the Ootacamund Solicitors' appeal.

* 1168-A Q.—Mr. ABDUL HAMID KHAN: Will the hon. the Law Member be pleased to state whether it was at the instance of Government that a Special Bench consisting of no Civilian Judges was constituted for hearing the criminal appeal of the Ootacamund Solicitors in October last?

A.—The answer is in the negative.

The hon. Member is referred to section 108 of the Government of India Act.

Mr. ABDUL HAMID KHAN :—"The answer to this question is in the negative. May I know how far the Government are interested and in what other way they are interested?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"The Government are not in any way interested."

Appointment of a Special Public Prosecutor in the Ootacamund Solicitors' case.

* 1168-B Q.—Mr. ABDUL HAMID KHAN: Will the hon. the Law Member be pleased to state—

(a) who appoints Special Public Prosecutors;

(b) on whose recommendations the Special Public Prosecutor was appointed in the recent criminal appeal by the two European Solicitors of Ootacamund;

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(c) what were the special reasons that made the Government appoint a Special Public Prosecutor in the said criminal appeal over the head of the permanent Public Prosecutor and other criminal lawyers some of whom had done criminal work for Government;

(d) whether it was brought to the knowledge of the Government by the recommending authority that the Special Public Prosecutor in the criminal appeal in question was attached for a long time as a junior on the civil side to Mr. Nugent Grant who was the defence counsel in the criminal appeal in question;

(e) whether it is a fact that the criminal appeal has ended in an acquittal; and

(f) on what terms the Special Public Prosecutor was appointed and what were the fees paid to him?

A.—(a) The hon. Member is referred to section 492 of the Code of Criminal Procedure.

(b) He was appointed by Government on the recommendation of the Public Prosecutor, Madras.

(c) The Public Prosecutor, Madras, could not appear in the appeal as he was engaged on an important case in the mufassal.

(d) No.

(e) The conviction of Mr. Walker, the first accused in this case, was confirmed and the sentence was reduced to two years' simple imprisonment and the second accused was acquitted.

(f) He was paid fees at the rate of Rs. 87-8-0 a day subject to a maximum of Rs. 300.

Mr. Abdul Hamid Khan :—" The answer to clause (d) of this question means that the Government did not know that the gentleman concerned was an assistant, a junior to Mr. Nugent Grant. May I know whether the Government will now make an enquiry?"

The hon. Diwan Bahadur M. Krishnan Nayar :—" No, Sir, because it will be a reflection upon the professional conduct of the gentleman concerned."

Alleged prohibition of the public meeting at Tiruvannamalai.

* 1169 Q.—Mr. T. Adinarayana Chettiyar : Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that on 8th November 1928 when Mr. P. V. Hanumantha Rao was lecturing in front of the temple at Tiruvannamalai, North Arcot district, he was served with a prohibitory order, under section 144, Criminal Procedure Code, by the Sub-Magistrate;

(b) whether one of the grounds for the passing of the order is the presence in the town of Tiruvannamalai of an anti-Congress party;

(c) whether Government have issued any instructions to allow political speeches only in those localities where there is not a strong section of people holding opposite political views;

(d) (1) if so, what is the percentage of the population holding a particular political view that should determine whether propaganda by people from the opposite political camps is to be permitted in any particular locality;